IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 19756 of 2004(B)

PETITIONER:

G.M.IDICULLA, ADVOCATE,
MULAMOOTTIL, KOZHENCHERRY,
PATHANAMTHITTA.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS:
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1. DISTRICT COLLECTOR,
PATHANAMTHITTA.

2. TAHSILDAR, KOZHENCHERRY,
PATHANAMTHITTA.

3. VILLAGE OFFICER, KOZHENCHERRY,
THEKKEMALA P.O., PATHANAMTHITTA.

Addl. R4: P.M.MATHEW,
KALLUMKATTUTHARAYIL HOUSE
KOZHENCHERRY
(Additional 4th respondent impleaded as per order dated 16.5.2005 in I.A.5607/05)

Addl. R5: Rt.REV.Dr.JOSEPH MAR IRENEOUS SAFRAGAN METRAPOLITAL,
` PULATHIN ARAMAN, THIRUVALLA
(Additional 5th respondent impleaded as per order dated 16.5.2005 in I.A.6526/05)

BY GOVERNMENT PLEADER SRI.MANOJKUMAR
SRI.P.JACOB MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True photocopy of the tax-receipt dated 25.2.1994 for the period 1991-1993 in Sy.No.288/1.

Ext.P2: True photocopy of the receipt dated 2.9.1996 the payment of tax for 94-95 to 1996-97 of K.P7/54 and K.P.2/61.

Ext.P3: True photocopy of the notice dated 20.2.2000 issued by the 2nd respondent.

Ext.P4: True photocopy of the tax receipt paid on 6.3.2000 for a sum of Rs.1,636/-.

Ext.P5: True photocopy of the tax receipt of the Kuthakapattom charges and land tax on 14.1.2002.

Ext.P6: True typed copy of the registered notice to the 3rd respondent on 29.1.2004.

Ext.P7: True typed copy of the notice send to the 2nd respondent on 17.1.2004.

Ext.P8: True copy of receipts for paying Kuthakapattom for the adjacent property.

// True copy //

P.A. to Judge

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KURIAN JOSEPH, J.

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W.P.(C)NO.19756 OF 2004

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Dated this the 2nd day of April 2007

JUDGMENT

Writ petition is filed with following prayer:

> "issue a writ of mandamus commanding the respondents to receive the Kuthakapattom charges and land tax in respect of 6.45 cents in Sy.No.288/1 of Kozhencherry Village and included in K.P.7/54 and K.P.2/61 from the petitioner;"

2. Though petitioner claims that he is the lessee, there is nothing available on record to show that he is the lessee; whereas the statement filed by the additional 5th respondent shows that the lessee is somebody else, Sri.P.M.Mathew. Petitioner claims that he is in possession of the property. That also is explained in the statement submitting that petitioner was in possession of the property only since Sri.Mathew was in abroad.

3. In the above circumstances, in case petitioner has still any grievance left, it will be open to him to approach the Commissioner, Land Revenue. In the event of such an

attempt being made by the petitioner within a period one month from today, the matter shall be duly considered by the Commissioner, Land Revenue with notice to the petitioner and all the affected parties. I make it clear that the parties are free to take all available contentions before the Commissioner.

Writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

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